

## **ASSOCIATION OF LEGAL PROFESSIONALS**

January 25, 2011

Ms. Gina Donnelly  
Office of Employee Relations  
City of San Jose  
200 E. Santa Clara St.  
San Jose, CA 95113

RE: Request for Information

Dear Ms. Donnelly,

As we discussed at the January 24, 2011 initial negotiation session, the Association of Legal Professionals would like a response to the following requests for information:

1. Under the San Jose Charter, the City Attorney is the Appointing Authority of all of the members of our bargaining unit. At the beginning of last year's negotiations, the City Manager and the City Attorney met with the Association's negotiating team and indicated to them that they were jointly the representatives of the City with regard to the negotiations. This year the City appears to have designated a different negotiating team that excludes any City Attorney representatives. This development has prompted us to ask the following questions to which you have agreed to respond:

- a. Is the City Attorney a representative of the City along with the City Manager with respect to the bargaining process with the Association as he was last year?
- b. If the City Attorney is not a representative of the City, why has he been excluded from the process, when under the Charter, he is our sole Appointing Authority?

We believe the bargaining process for our exclusive Appointing Authority under the City Charter to be one of the City representatives and that the City Council's authority to exclude him from the bargaining process is limited by the City Charter and the principles of good faith bargaining.

2. We have been informed that the Director of Employee Relations has a conflict of interest and therefore has been excluded from bargaining with our Association. In our experience, a conflict of interest normally results in a complete exclusion of the person from the process. We hereby request a description of the conflict along with the

parameters of the Director's exclusion from the negotiating process that involve ALP. If the Director is involved in some way in our negotiations, either during discussions with the City Council in Closed Session, or otherwise, or is involved in direction or supervision of the City negotiations, we would like to understand the parameters of that involvement.

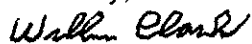
3. The Association has requested that the negotiation sessions with the City be open to the public. We believe that the public would be served by having access to the process and have a greater understanding of the issues that face the City with respect to its employees that provide vital legal services.

4. We have made several requests that communications from ALP and requests for information be posted on the City's web site. These requests have not always been honored. To the extent necessary, we request that the City post the UC Berkeley Study and Rutgers study of public employee compensation that dispute the contention that public employees are overcompensated.

We appreciate the opportunity for an open dialogue at our next session. We look forward to a good faith exchange with the goal of reaching a mutually agreed upon Collective Bargaining Agreement that covers all issues between the City and our Association.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "William Clark".

William Clark, President

Association of Legal Professionals